

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Timothy Ray McClain

Docket No. 5:11-CR-221-1H

Petition for Action on Supervised Release

COMES NOW Christopher Studley, Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Timothy Ray McClain, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Ammunition 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on December 12, 2012, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Timothy Ray McClain was released from custody on January 23, 2015, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 2, 2016, Mr. McClain was charged in Wake County, North Carolina with Resisting Public Officer (16CR200095) and Expired Registration Card or Tag (16CR700335). The case is scheduled for court on January 13, 2016.

The charges stem from a traffic stop which occurred in downtown Raleigh at approximately 1:00 a.m. the morning of January 2, 2016. Raleigh Police Officers pulled over the defendant for driving with an expired tag on the vehicle. The defendant provided officers with his name, vehicle information, and notified officers that he was on federal supervision. A male passenger in the vehicle (later determined to be a known felon and active gang member) provided a false name and date of birth to the officers.

Upon further investigation, officers ordered the defendant to exit the vehicle. Mr. McClain refused to follow police commands to exit the vehicle and instead locked himself inside the vehicle for approximately 10 to 20 minutes. Eventually, the defendant complied and exited the vehicle and was taken into custody. The male passenger was forcibly extracted from the vehicle by officers and was found to have a .40 caliber Taurus firearm concealed within his waistband and a stolen Smith and Wesson bodyguard .380 caliber pistol concealed in his pants pocket. The passenger was also found to be in possession of thirty-one (31) bags of marijuana and five (5) dosage units of crack cocaine. Mr. McClain reported this violation to this officer in a timely manner.

In response to the defendant's conduct, this officer recommends that the defendant participate in a cognitive behavioral program. Specifically, this officer recommends the defendant successfully complete the Moral Recognition Therapy program, to develop the cognitive skills necessary for the defendant to use better judgment and make sound decisions regarding his actions and associations.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

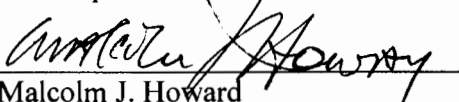
I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Christopher Studley
Christopher Studley
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8669
Executed On: January 7, 2016

ORDER OF THE COURT

Considered and ordered this 11th day of January, 2016 and ordered filed and
made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge